

ORIGINAL

Decision No. 85640

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of PHILLIP A. RIVERA, an indi-)
vidual doing business as p.a.r.)
trucking, for authority to)
deviate from minimum rates pur-)
suant to Section 3666 of the)
Public Utilities Code for the)
transportation of ground silica)
sand in bulk.)

Application No. 56006
(Filed October 14, 1975)

OPINION AND ORDER

By this application, Phillip A. Rivera, doing business as P.A.R. Trucking, requests authority to deviate from the provisions of Minimum Rate Tariff 2 in connection with transportation of ground silica sand, in bulk, for Johns-Manville from Victorville to Long Beach.¹

The application is based on special circumstances and conditions detailed therein.

Revenue and expense data submitted by applicant indicate that the transportation involved may reasonably be expected to be profitable under the proposed rates.

¹The minimum rate for this transportation is 50 cents per 100 pounds, minimum weight 50,000 pounds.

The application was listed on the Commission's Daily Calendar of October 16, 1975. California Trucking Association (CTA) objected to the issuance of an interim ex parte order stating that the figures in Schedule Two of Exhibit 6, except fuel, represented lump sum totals with no indicated source other than "company books and records." CTA asserted that their development should be tied to specific figures which can be reconciled in the application. CTA also requested clarification as to whether the transportation is a new or old haul for applicant to assure that the loss experienced by applicant in the first eight months of 1975 will not be compounded.

Carl H. Fritze, on behalf of applicant, informed the Commission by letter with a copy to CTA that applicant commenced this transportation service in September of 1975 on a spasmodic basis and explained the method of computation for certain of the expenses in Schedule Two of Exhibit 6. He also attached to said letter an amended Exhibit 6 designated as Exhibit 6-A, a balance sheet for the first 9 months of 1975 and a Statement of Income and Expenses for the same period indicating that applicant's overall operations were profitable. No objection has been received from CTA concerning the aforementioned letter or the amended exhibit and statements attached to said letter.

Applicant is placed on notice that, should his operations for Johns-Manville be between fixed termini or over a regular route, he should apply for a highway contract carrier permit.

In the circumstances, the Commission finds that Applicant's proposal is reasonable. A public hearing is not necessary. The Commission concludes that the application should be granted as set forth in the ensuing order.

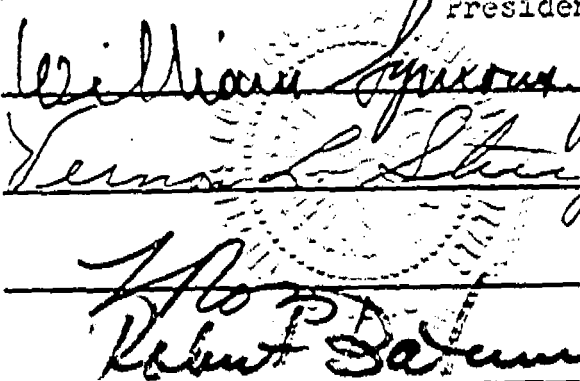
IT IS ORDERED that:

1. Phillip A. Rivera is authorized to perform the transportation shown in Appendix A attached hereto and by this reference made a part hereof at not less than the rates set forth therein.

2. The authority herein granted shall expire one year after the effective date of this order unless sooner cancelled, modified, or extended by order of the Commission.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 30th day of March, 1976.



President

William S. Saxon Jr.

Vernon L. Sturgeon

Robert P. Saxon
Commissioners

APPENDIX A

Carrier: Phillip A. Rivera
Commodity: Ground silica sand, in bulk
For: Johns-Manville
From: Plant site of Southwestern Portland Cement
Company at or near Victorville.
To: Johns-Manville at or near Long Beach
Rate: 27½ cents per 100 pounds
Minimum Weight: 53,000 pounds

Applicant has not indicated subhaulers will be engaged nor have any costs of subhaulers been submitted. Therefore, if subhaulers are employed, they shall be paid no less than the rate authorized herein.

(END OF APPENDIX A)